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Attorneys for Defendants Republic Bank and William Pounds

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ELIZABETH KUNKLE,

Plaintiff,

v.

REPUBLIC BANK, WILLIAM POUNDS, AND
JOHN DOES 1-25 INCLUSIVE, FICTITIOUS
NAMED DEFENDANTS, JOINTLY,
SEVERALLY AND IN THE ALTERNATIVE,

Defendants.

Civil Action No.: 1:21-cv-20245

Filed via ECF

**NOTICE OF REMOVAL
OF ACTION**

Defendants Republic Bank and William Pounds (collectively “Defendants”) by and through their undersigned counsel, state the following:

1. Plaintiff Elizabeth Kunkle commenced an action by filing a Complaint against Defendants on or about October 5, 2021 in the Superior Court of New Jersey, Law Division, Gloucester County (the “Superior Court”) styled *Elizabeth Kunkle v. Republic Bank, et al.*, at Docket No. L-1156-21 (the “Superior Court Action”).

2. On November 2, 2021, Defendant Republic Bank received copies of the Summons and Complaint via process server.¹ Receipt of these documents constitutes service of the initial pleading upon which Republic Bank has been given notice of Kunkle's claims against it. A true and correct copy of the Complaint is attached hereto as Exhibit "A."

3. Kunkle's Complaint purports to state claims for violation of the New Jersey Law Against Discrimination ("LAD").

4. In accordance with 28 U.S.C. § 1446(b), this Notice of Removal has been filed within thirty (30) days after receipt by Republic Bank of the Complaint.

5. This Court has diversity jurisdiction over the Superior Court Action pursuant to 28 U.S.C. § 1332. Complete diversity of citizenship exists between Kunkle and Defendants and the amount in controversy exceeds \$75,000.

6. More specifically, it appears from the Complaint that Kunkle is a resident of New Jersey who has made and intends to continue to make New Jersey her primary residence for the indefinite future. (*See Exhibit A, first sentence*). Kunkle is therefore a citizen of New Jersey for purposes of 28 U.S.C. § 1332.

7. Defendant Republic Bank is a state chartered financial institution organized and existing under the laws of the Commonwealth of Pennsylvania with its principal place of business in Pennsylvania. Thus, Republic Bank is not a citizen of New Jersey, but rather is a citizen of Pennsylvania for purposes of 28 U.S.C. § 1332.

8. Defendant William Pounds is domiciled in Pennsylvania and is therefore a citizen of Pennsylvania for purposes of 28 U.S.C. § 1332. He is not a citizen of New Jersey.

¹ As of the date of this filing, Defendant William Pounds has not been served with the Summons and Complaint.

9. With regard to Defendants “JOHN DOES 1-25,” “[i]t is generally true that “[f]or purposes of removal under this chapter, the citizenship of defendants sued under fictitious names shall be disregarded.” [28 U.S.C. § 1441\(a\)](#).

10. Although Kunkle’s Complaint does not specify the precise amount of damages sought, the allegations contained within the Complaint indicate that the amount in controversy in this case exceeds \$75,000.00, exclusive of interests and costs.² In the Complaint, Kunkle brings claims for discrimination, retaliation and hostile work environment under New Jersey’s Law Against Discrimination, for which she seeks “compensatory damages, back pay, front pay, damages for physical pain and suffering, punitive damages...attorney’s fees ...” (See Exhibit A, Wherefore paragraph).

11. This notice is hereby being filed on behalf of all Defendants named in the Superior Court Action, who thus all consent to the removal of this action through their undersigned counsel.

12. Accordingly, the grounds for diversity jurisdiction are satisfied, and this Court has jurisdiction over the Superior Court matter pursuant to 28 U.S.C. § 1332.

13. By reason of the foregoing and pursuant to 28 U.S.C. § 1441(b), Defendants desire and are entitled to have the Superior Court Action removed from the Superior Court of New Jersey, Gloucester County, to the United States District Court for the District of New Jersey.

14. True and correct copies of this Notice of Removal are being promptly filed with the Superior Court and served this date upon Kunkle’s counsel of record.

² Defendants do not concede Kunkle’s allegations are true or that her claims have any merit. Defendants provide the following only to demonstrate that the amount in controversy, based on the demand and relief sought by Kunkle, taken as a whole, exceeds the \$75,000 jurisdictional requirement. Thus, this Court has original jurisdiction over the claims asserted by Kunkle in this action based on diversity of citizenship jurisdiction under 28 U.S.C. §§ 1332(a) and 1441(a).

WHEREFORE, Defendants pray that this case be removed to this Court, that this Court accept jurisdiction of this Action, and that this Action be henceforth placed on the docket of this Court for all further proceedings as though the same Action had been originally instituted and commenced in this Court.

Respectfully submitted,

/s/ William J. Leahy

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*Attorneys for Defendants, Republic Bank and
William Pounds*

Dated: November 29, 2021

CERTIFICATE OF SERVICE

I, William J. Leahy, hereby certify that I caused the foregoing **Notice of Removal of Action** to be served, via email and U.S. Mail, upon the following:

Sebastian B. Ionno, II, Esquire
Aiello, Harris, Marth, Tunnero, & Schiffman, P.C.
140 S. Broadway, Suite 5
Pitman, NJ 08071

Attorneys for Plaintiff

/s/ William J. Leahy
William J. Leahy

Dated: November 29, 2021